

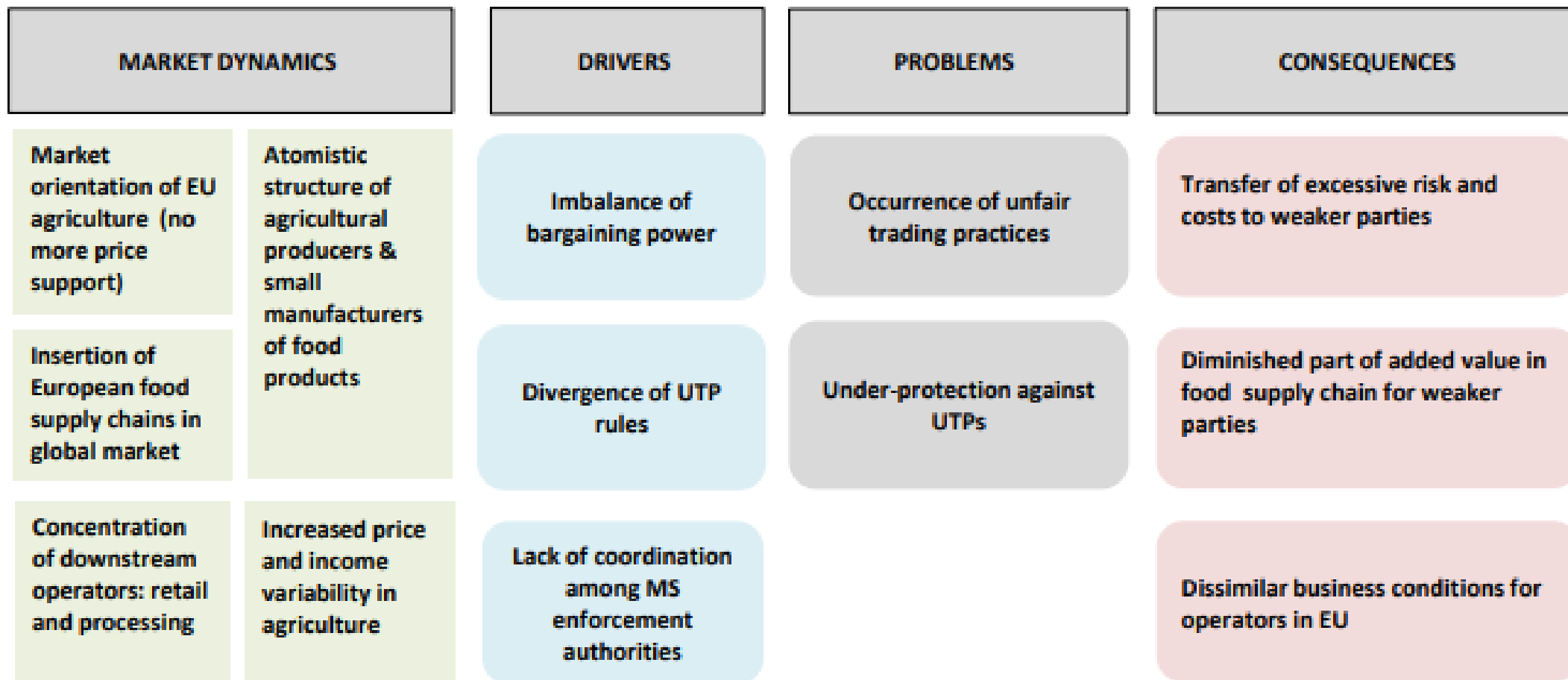
Origin and main objectives of the UTP Directive in the agricultural and food supply chain



Policy context



Problem definition addressed by the UTP Directive

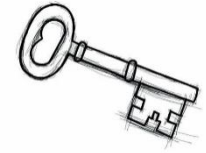


Source: [Impact assessment](#) accompanying the Commission proposal for the UTP Directive.

Objectives and key elements



Key elements of the Directive



- **Protects weaker suppliers** against stronger buyers against UTPs occurring in the food supply chain → “step approach” - turnover as proxy for bargaining power
- Applies to supply agreements where **either the supplier or the buyer, or both, are established in the Union**
- Covers UTPs in relation to the sales of **agricultural and food products**
- Follows **minimum harmonisation approach**
- Protects against **16 specific unfair trading practices**
- Provides for minimum enforcement power
- Provides for coordination between Member States' authorities

Suppliers outside the EU

- The Directive acknowledges that suppliers established outside the Union should also enjoy protection against unfair trading practices when they sell agricultural and food products into the Union.
- It further sets that non-EU suppliers are liable to be equally vulnerable to unfair trading practices.

Prohibited **BLACK** UTPs

1. Payments later than 30 days for perishable agricultural and food products
2. Payment later than 60 days for other agri-food products
3. Short-notice cancellations of perishable agri-food products
4. Unilateral contract changes by the buyer
5. Money not related to a specific transaction
6. Risk of loss and deterioration transferred to the supplier
7. Refusal of a written confirmation of a supply agreement by the buyer, despite request of the supplier
8. Misuse of trade secrets by the buyer
9. Commercial retaliation by the buyer
10. Transferring the costs of examining customer complaints to the supplier

Prohibited GREY UTPs

1. Unsold products
2. Payment of the supplier for stocking, display and listing
3. Payment of the supplier for promotion
4. Payment of the supplier for marketing
5. Payment of the supplier for advertising
6. Payment of the supplier for staff of the buyer, fitting out premises



Powers of the enforcement authority



- **MS have to designate an enforcement authority ('EA')**

- Can be an existing authority

- **Vested with powers:**

- Power to act upon a complaint or act ex officio

! DEAL WITH THE FEAR FACTOR. Member States ('MS') shall take appropriate measures to ensure confidentiality. Rights of defense.

- Power to investigate
- Power to terminate an infringement
- Power to levy fines and impose other penalties
- Power to publish decisions

Complaints and confidentiality

- A supplier can submit a complaint to the national enforcement authority
- **A supplier can choose to which authority it wants to file a complaint:** the authority of its Member State or the authority of the Member State, where the buyer is located → EA to which the complaint is addressed shall be competent to enforce the prohibitions
- The EA of the MS can be found here: [Unfair trading practices - Agriculture and rural development](#)
- The complainant can request his **identity to be protected**
- A supplier may turn to an organisation with legitimate interest in representing him to file the complaint on their behalf
- The authority may open investigations on its own initiative (e.g. on the basis of some anonymous hints)

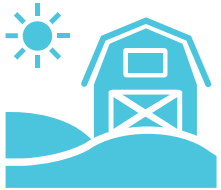
Evaluation and revision of the Directive



Evaluation process, results and limitations

- The Commission published its first evaluation of the UTP Directive in December 2025
- The evaluation looked at what works and what can be improved in the current framework
- The evaluation was challenging (e.g. short period of application, differences between Member States, fear factor), but some key findings emerge

Key findings and lessons learned



The evaluation showed improvements in the fight against UTPs

UTPs still exist, but farmers report tangible progress (revised contracts, shorter payment periods, more transparency)

There are minimum common rules across the EU, but national differences in protection still exist



Awareness and enforcement challenges still exist

Many farmers and small suppliers (including from outside of the EU) are not aware of their rights under the Directive

The fear factor remains a barrier, but alternative avenues exist to report abuses such as collective complaints

Authorities can also decide to investigate abuses on their own initiative



The revision should facilitate innovation to address emerging needs (eg. New UTPs, sale below production costs, etc.)

Next steps



Building on the evaluation findings, the COM will analyse & prepare a proposal for a **targeted revision** of the UTP Directive



Call for Evidence and Public consultation open from 5 December 2025 until 27 February 2026



Revision proposal **planned by end of 2026**



Thank you!

Questions?

European Commission, 2026

Links to UTP evaluation documents

[Commission report: Evaluation of the Unfair Trading Practices Directive](#)

[Commission Staff Working Document: Evaluation of the Directive \(EU\) 2019/633 on unfair trading practices in business-to-business relationships in the agricultural and food supply chain](#)

[Evaluation support study of the EU Directive 2019/633 on unfair trading practices in business-to-business relationships in the agricultural and food supply chain](#)

[Study on Regulatory and Voluntary Schemes for Fair Agricultural Remuneration](#)

Links to the documents on the Revision of the UTP Directive

[Business-to-business unfair trading practices in the food supply chain – revision of EU rules](#)